

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 15-00173
ELECTRONICALLY FILED

v.

KIARI NICOLE DAY,

Defendants.

ORDER OF COURT
SCHEDULING SENTENCING HEARING

IT IS HEREBY ORDERED that a sentencing hearing for the defendant will be held on –
December 1, 2016 at 9:00 AM in Courtroom 7C, 7th Floor, United States Courthouse, 700
Grant Street, Pittsburgh, Pennsylvania. In the event a request for continuance becomes
necessary, said request shall be made at least 30 days in advance of the above-referenced
scheduled hearing.

On or before **November 10, 2016**, each counsel shall submit to the Court the following:

1. A Sentencing Memorandum addressing individually each of the 18 U.S.C.
§3553(a) factors which counsel deems relevant to this Court's consideration and determination of
(i) an appropriate advisory guidelines sentence, including, but not limited to: (a) the potential
range of the term of imprisonment; (b) the potential range of the term of supervised release or
probation; (c) conditions of supervised release or probation; (d) restitution; and (e) forfeiture.
Said Sentencing Memorandum shall also include any requests for variances from the advisory
guidelines sentencing range.

The Court will consider only those facts and factors set forth in the Presentence Report to which there is no dispute, facts and factors that were in dispute but resolved by the Court prior to sentencing, and the particular section 3553(a) factors that have been specifically identified by the parties as required in Paragraphs 1 and 2, in arriving at an appropriate sentence.

2. Any motions for downward or upward departures from the advisory guidelines sentence range.

3. A Joint Status Report stating whether an evidentiary hearing is needed on any matter that is relevant to sentencing, including departure motions and requests for variances from the guidelines. In deciding whether an evidentiary hearing is necessary, counsel need not take into account defendant's allocution or statements by family members, friends and other persons speaking generally on behalf of the defendant in support of mitigation. If either counsel requests an evidentiary hearing as to specific disputed sentencing factors, however, the Joint Status Report shall identify each witness who will be called, the party calling each such witness, the subject matter of each witness's testimony, and a good faith estimate of the time each witness will testify on direct and cross examination.

As to defendants who are in custody, counsel is advised that any consultation with the defendant necessary in preparation for a scheduled Court proceeding shall occur prior to said proceeding in the office of the United States Marshal. The Court expects counsel to be prepared to proceed with the Court proceeding promptly at the scheduled time. It is counsel's responsibility to arrive at the U.S. Marshal's Office, sufficiently in advance of the Court proceeding, to provide adequate time for consultation and preparation.

SO ORDERED this 6th day of November, 2015.

s/ Arthur J. Schwab
United States District Judge

cc: All counsel of record